UNITED STATES PATENT AND TRADEMARK OFFICE

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP		WON, MICHAEL YOUNG

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DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 June 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-28 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

2.   Claims 1-15 and 17-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kirani et al. (US 2002/0016818 A1) in view of Beyda (US

5,870,610 A).

INDEPENDENT:

As per **claim 1**, Kirani teaches a method, comprising the steps of:

providing (54) a multimedia messaging service signal (20) *(see page 1, [0004])*

incorporating a further multimedia message signal (FMMS) indicative of a

multimedia message *(see page 3, [0037] & [0040])* and a terminal-specific

uniform resource locator (URL) signal from a multimedia messaging service

center (14) to a receiving terminal (22) *(see page 2, [0029]; page 3, [0037]; page

5, [0064]; and page 8, [0103])*, said URL signal providing an Internet server (32)

location for rendering the multimedia message by the receiving terminal (22) *(see page 1, [0004] and page 3, [0037])*.

Although Kirani teaches of a URL signal providing to an Internet server and rendering the multimedia message by the receiving terminal *(see above)*, Kirani does not explicitly teach that the server comprises a software obtainable by the receiving terminal (22); and providing (58, 60) the software to the receiving terminal (22) for rendering.

Beyda teaches of software obtainable by the receiving terminal (22) and providing (58, 60) the software to the receiving terminal (22) for rendering *(see abstract and col.3, lines 1)*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing software obtainable by the receiving terminal and providing the software to the receiving terminal for rendering within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102])*, by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

As per **claim 19**, Kirani teaches a system, comprising: a multimedia messaging service center (14) *(see Fig.3)*, for providing a multimedia message

service signal (20) *(see page 1, [0004])* incorporating a further multimedia

message signal (FMMS) indicative of a multimedia message *(see page 3, [0037]*

& [0040]) and a terminal-specific uniform resource locator (URL) signal *(see page*

2, [0029]; page 3, [0037]; page 5, [0064]; and page 8, [0103]), said URL signal

providing an Internet server (32) location for rendering the multimedia message

at the receiving terminal (22) *(see page 1, [0004] and page 3, [0037])*.

Although Kirani teaches of a URL signal providing to an Internet server

and rendering the multimedia message by the receiving terminal *(see above)*,

Kirani does not explicitly teach that the server comprises a downloadable

software obtainable by the receiving terminal (22); and providing (58, 60) the

software to the receiving terminal (22) for rendering.

Beyda teaches of downloadable software obtainable by the receiving

terminal (22) and providing (58, 60) the software to the receiving terminal (22) for

rendering *(see abstract and col.3, lines 1)*.

It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to employ the teachings of Beyda within the system

of Kirani by implementing downloadable software obtainable by the receiving

terminal and providing the software to the receiving terminal for rendering within

the multimedia method because Kirani teaches that plurality of programs may be

loaded in a basic computer system *(see page 4, [0058])*. Therefore, since Kirani

teaches that the MMSC retains a database of the recipient's device-type

specification for appropriate "rendering/processing" at the device *(see page 8,*

[0102]), by obtaining software by the receiving terminal for rendering, saves time

because it eliminates the need to be redirected when accessing similar formatted
multimedia messages in the future.

As per **claim 27**, Kirani teaches a multimedia messaging service center
(14) *(see Fig.3)*, comprising: a database (14a) for identifying uniform resource
locators (URLs) *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8,
[0103])*; and means for providing a multimedia message service signal (20) to a
receiving terminal (22) *(see page 1, [0004])*, incorporating a further multimedia
message signal (FMMS) indicative of a multimedia message *(see page 3, [0037]
& [0040])* and a URL signal, said URL signal providing an Internet server (32)
location for rendering unsupported components of the FMMS by the receiving
terminal (22) *(see page 2, [0029]; page 3, [0037]; page 5, [0064]; and page 8,
[0103])*.

Although Kirani teaches of a URL signal providing to an Internet server
and rendering the multimedia message by the receiving terminal *(see above)*,
Kirani does not explicitly teach that the server comprises a terminal-specific
downloadable software obtainable by the receiving terminal (22); and providing
(58, 60) the terminal-specific software to the receiving terminal (22) for rendering.

Beyda teaches of terminal-specific downloadable software obtainable by
the receiving terminal (22) and providing (58, 60) the terminal-specific software to
the receiving terminal (22) for rendering *(see abstract and col.3, lines 1)*.

It would have been obvious to a person of ordinary skill in the art at the
time the invention was made to employ the teachings of Beyda within the system
of Kirani by implementing terminal-specific downloadable software obtainable by

the receiving terminal and providing the terminal-specific software to the

receiving terminal for rendering within the multimedia method because Kirani

teaches that plurality of programs may be loaded in a basic computer system

(see page 4, [0058]). Therefore, since Kirani teaches that the MMSC retains a

database of the recipient's device-type specification for appropriate

"rendering/processing" at the device *(see page 8, [0102])*, by obtaining software

by the receiving terminal for rendering, saves time because it eliminates the need

to be redirected when accessing similar formatted multimedia messages in the

future.

As per **claim 28**, Kirani teaches a receiving terminal (22) *(see Fig.3)*,

comprising: means responsive to the multimedia message service signal *(see*

page 1, [0004]), incorporating a further multimedia message signal (FMMS)

indicative of a multimedia message *(see page 3, [0037] & [0040])* and a terminal-

specific uniform resource locator (URL) signal, said URL signal providing an

Internet server (32) location *(see page 2, [0029]; page 3, [0037]; page 5, [0064];*

and page 8, [0103]); and means for sending signal (34) to the Internet server (32)

location provided by the URL signal *(see page 1, [0004] and page 3, [0037])*.

Although Kirani teaches of a URL signal providing to an Internet server

and rendering the multimedia message by the receiving terminal *(see above)*,

Kirani does not explicitly teach that the server comprises a terminal-specific

downloadable software obtainable by the receiving terminal (22); and said

request is a software request.

Beyda teaches of terminal-specific downloadable software obtainable by the receiving terminal (22) *(see abstract and col.3, lines 1)* and of a software request *(see col.4, lines 17-24).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Beyda within the system of Kirani by implementing terminal-specific downloadable software obtainable by the receiving terminal and of a software request within the multimedia method because Kirani teaches that plurality of programs may be loaded in a basic computer system *(see page 4, [0058]).* Therefore, since Kirani teaches that the MMSC retains a database of the recipient's device-type specification for appropriate "rendering/processing" at the device *(see page 8, [0102]),* by obtaining software by the receiving terminal for rendering, saves time because it eliminates the need to be redirected when accessing similar formatted multimedia messages in the future.

DEPENDENT:

As per **claim 2**, Kirani and Beyda further teach wherein the software is provided to the receiving terminal (22) in response to a software request signal (34) sent by the receiving terminal (22) *(see Beyda: col.4, lines 20-24)* to the Internet server (32) location provided by the URL signal *(see all independent claims above).*

As per **claim 3**, Kirani and Beyda further teach wherein the software request signal (34) is sent by the receiving terminal (22) to the Internet server

(32) location provided by the URL signal only after receiving a software request command (30) from a user (24) *(see Beyda: col.4, lines 17-24).*

As per **claim 4**, Kirani and Beyda further teach wherein the software request signal (34) is sent by the receiving terminal (22) to the Internet server (32) location provided by the URL signal automatically after receiving the multimedia messaging service signal (20) incorporating the URL signal *(see Beyda: abstract and col.4, lines 24-27).*

As per **claim 5**, Kirani and Beyda teach of further comprising the step of: deciding (56) whether additional software is needed to be installed in the receiving terminal (22) for rendering originally unsupported components of a multimedia message signal (12) by the receiving terminal (22) *(implicit: see Beyda:,col.4, lines 17-24).*

As per **claim 6**, Kirani and Beyda further teach wherein said decision is made by the user (24) *(see claim 3 rejection above).*

As per **claim 7**, Kirani and Beyda further teach wherein said decision is made automatically by the receiving terminal (22) *(see claim 4 rejection above).*

As per **claim 8**, Kirani teaches of further comprising the step of: rendering (62) the further multimedia message signal indicative of the multimedia message by the receiving terminal (22), so that the multimedia message is perceptible by a user (24) *(see page 8, [0102]).*

As per **claim 9**, Kirani teaches of further comprising the step of: receiving and optionally storing (42) the multimedia message signal (12) by the multimedia

messaging service center (14) *(see page 3, [0040]; page 5, [0064]; and page 8, [101], [102], [103])*.

As per **claims 10 and 21**, Kirani teaches of further comprising the steps of: providing (44) optionally a message notification signal (16) to the receiving terminal (22) by the multimedia messaging service center (14) *(implicit: see abstract: "e-mail system")*; and providing (46) a message retrieval request signal (18) containing a terminal signal indicative of a terminal information and optionally a multipurpose Internet mail extension (MIME) signal indicative of a terminal-specific MIME information *(see page 2, [0017] and page 17, [0116])* to the multimedia messaging service center (14) by the receiving terminal (22) *(implicit: see abstract: "e-mail system")*.

As per **claims 11 and 23**, Kirani further teaches wherein the message retrieval request signal (18) by the receiving terminal (22), is sent in response to the message notification signal (16) *(implicit: see abstract: "e-mail system")*.

As per **claim 12**, Kirani and Beyda teach of further comprising the step of: evaluating (48) by the multimedia messaging service center (14) whether it is appropriate to adapt unsupported components of the MMS (12) to meet the capabilities of the receiving terminal (22) *(see page 3, [0036], [0037])*; and identifying (48) the URLs *(see page 3, [0036])* for terminal-specific additional software to render the unsupported components of the multimedia message signal (12) based on the terminal *(see claim 1 rejection above)* and MIME signals *(see col.2, [0017] and page 17, [0116])* using a database (14a) of the multimedia messaging service center (14) *(see page 3, [0038], [0039] and page 6, [0076])*.

As per **claim 13**, Kirani teaches of further comprising the step of: adapting (49) by the multimedia messaging service center (14) the appropriate unsupported components of the MMS (12) to meet the capabilities of the receiving terminal (22) *(see page 3, [0037])*.

As per **claims 14 and 17**, Kirani and Beyda further teaches wherein the MIME information *(see page 2, [0017] and page 17, [0116])* is deduced by the multimedia messaging service center (14) from the terminal information contained in the message retrieval request signal (18) (see page 3, [0038]) and from software release information *(see Beyda: col.2, lines 26-29 and col.3, lines 18-23)*.

As per **claim 15**, Kirani further teaches wherein a terminal signal indicative of terminal information is provided to the multimedia messaging service center (14) during a registration process of a particular application *(see page 6, [0070], [0076])*.

As per **claims 18 and 25**, Kirani further teaches wherein the further multimedia message signal is the same as the multimedia message signal (12) *(implicit: in instances where compatibility is not an issue; and see page 3, [0037]: "The recipient may receive a link (e.g., URL), that references the storage address in the repository, for the* original (e.g., full-resolution) attachment *for subsequent accessing")*.

As per **claim 20**, Kirani further teaches wherein the multimedia messaging service center (14) is further responsive to a multimedia message signal (12) indicative of the multimedia message *(see page 1, [0004], [0006] and pages 2-3,*

[0036]) and to a message retrieval request signal (18) containing a terminal

signal indicative of a terminal information *(see page 3, [0038])* and optionally a

multipurpose Internet mail extensions (MIME) signal indicative of a terminal-

specific MIME information *(see col.2, [0017] and page 17, [0116]).*

As per **claim 22**, Kirani and Beyda further teaches wherein the receiving

terminal (22) is responsive to a software request command (30) by a user (24)

(see Beyda: col.4, lines 20-24), for providing a message retrieval request signal

(18) containing a terminal signal indicative of terminal information *(see page 3,*

[0038]) and optionally a multipurpose Internet mail extensions (MIME) signal

indicative of a terminal-specific MIME information *(see col.2, [0017] and page 17,*

[0116]), for providing a software request signal (34) to the Internet server (72)

(see Beyda: col.4, lines 20-24), for providing a URL image signal to the user (24)

(see page 7, [0095]), and for rendering the further multimedia message signal

indicative of the multimedia message perceptible by the user (24) *(see page 3,*

[0037] , [0040]).

As per **claim 24**, Kirani teaches of further comprising a sending terminal

(10), for providing a multimedia message signal (12) to the multimedia

messaging service center (14) *(see Fig.3: #300).*

As per **claim 26**, Kirani further teaches of a computer program for storage

on a computer readable medium for executing the steps of claim 1 *(see Fig.2).*

3.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kirani et al. (US 2002/0016818 A1) and Beyda (US 5,870,610 A), further in view

of Sollee et al. (US 6,757,732 B1).

As per **claim 16**, Kirani and Beyda teach all the limitations of except

wherein the particular application is a session initiation protocol (SIP) instant

messaging or SIP messaging session.

Sollee teaches wherein the particular application is a session initiation

protocol (SIP) instant messaging or SIP messaging session *(see abstract)*.

It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to employ the teachings of Sollee within the system

of Kirani and Beyda by implementing session initiation protocol (SIP) instant

messaging or SIP messaging session within the multimedia method because

Sollee teaches that by implementing SIP, data can be transferred in real-time

(see col.3, line 66 to col.4, line 3) and also teaches that by implementing SIP, the

deficiencies are overcome *(see col.4, lines 21-36)*.

4.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Michael Y Won whose telephone number is

571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won

November 19, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER